

ATTACHMENT 5

Elmore Special Exception: SPEX09-CT-007

Staff and Review Agency Comments

Staff and appropriate referral agencies have reviewed this request for conformance with the Comprehensive Plan, the Zoning Ordinance, and other relevant policies and regulations. Findings, comments, and recommendations are summarized below. Following each comment is a staff note in italics stating how the comment has been addressed.

Technical Considerations

The County's telecommunications consultant, Atlantic Technology Consultants, Inc. (ATC) has reviewed this Special Exception request. ATC provided the following recommendations:

- (1) It is the recommendation of this Consultant that the applicant notifies Columbia Gas prior to any construction across the gas line easement. For safety purposes, the gas company may have specific requirements for construction regarding heavy loads across their easement.

This has been added as a condition of approval.

- (2) This Consultant recommends that a grounding plan is required prior to issuance of a building permit.

This has been added as a condition of approval.

- (3) As this application proposes new site construction, a NEPA assessment is required. One has not been included with this Application; therefore it is assumed that such a study has not been performed.

Applicant has provided this assessment with their most recent submission, and the necessary information has been forwarded to ATC.

- (4) As the application proposes new site construction, a SHPO response is required. A response from Virginia Department of Historic Resources (VDHR) has not been submitted with the Application.

The applicant has provided this information with their most recent submission.

Zoning Office

The Zoning Office reviewed this Special Exception request and notes the following findings, and recommends conditions:

- (1) New telecommunications facilities over 80 feet in height are required to be designed to accommodate collocation, and that the applicant is required to identify the conditions under which future collocation by other carriers will be permitted (ZO Section 11-102.3(b)(3)). The applicant has indicated they would supply this information at the time of building permit; however, the special exception should not be approved unless the design of the tower physically accommodates collocation and the approval should incorporate a condition assuring that collocation is allowed under terms, which are reasonable. The County's tower consultant has commented that the model of tower proposed should accommodate multiple carriers. If the Board wishes to allow structural compliance to be confirmed at the time of approval of the building permit, as suggested by the applicant, the condition proposed below should be included in the Special Exception approval. An additional condition should be included to require the additional capacity to actually be made available to other carriers.

Proposed Condition:

- The application for Zoning/Building permit shall include a certification by qualified engineers that the tower will be constructed to accommodate additional carriers. No zoning or building permit will be issued without such certification.
 - The applicant shall allow other carriers to locate on the tower, consistent with the Fauquier County Zoning Ordinance. Such accommodation shall be made at market rates.
- (2) In accord with Zoning Ordinance Section 11-103.4, the Applicant states that existing trees within 200 feet of the telecommunications tower or monopole will not be removed, except as needed to construct the facility and provide vehicular access.

Proposed Condition:

- No trees within 200 feet of the telecommunications facility shall be removed, except the minimum needed to construct the facility and provide access. Trees to be removed shall be shown on the site plan. If trees are destroyed or removed beyond those authorized by the site plan, they shall be replaced at the sole cost of the applicant, including larger caliber trees as necessary to restore screening.
- (3) The applicant has requested a modification of landscaping/buffer requirements for the equipment enclosure, pursuant to §11-104 of the Zoning Ordinance. This section allows the Zoning Administrator to waive such requirements where the buffer would not be necessary or effective. The applicant has indicated the intent to formally request the modification in conjunction with Major Site Plan approval, as this modification cannot be approved with the Special Exception. However, Zoning's preliminary assessment of the request suggests that the modification is warranted as existing vegetation in the area should already screen the enclosure area.

Information for the applicant.

- (4) Planning Staff noted as part of a site visit that there is illegal outdoor storage on the property.

Proposed Condition:

- All illegal outdoor storage shall be removed from the property and properly disposed of before approval of the Major Site Plan.
- (5) In addition to the proposed conditions noted above, the following conditions are proposed by staff to assure approval with all standards and requirements of Article 11 of the Zoning Ordinance:
- a. All antennas shall be flush-mounted and shall be of materials and colors that match the pole. The monopole shall either maintain a galvanized steel finish or be painted a neutral color to reduce visual impact.
 - b. No signals or lights shall be allowed, unless specifically required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.
 - c. No commercial advertising shall occur on the site.
 - d. No more than 500 square feet of unmanned equipment structures shall be allowed per user on the site, with a maximum height of 12' and with all equipment cabinets finished in neutral, non-reflective colors and materials.
 - e. No division or boundary line adjustment of this property shall occur which removes a 200' wooded buffer from the monopole property or which could allow the placement of a residential unit within 300 feet of the antenna.
 - f. Major site plan approval is required; the site plan shall not be approved without agreement from Columbia Gas allowing construction of the access road across their easement.
 - g. No building permit for the facility shall be approved prior to approval of a grounding plan for the facility.
 - h. The owner of the facility shall submit a report to the Zoning Administrator each year by July 1st. The report shall state the current users of the tower.

- i. Any antenna or tower shall be disassembled and removed from the site within 90 days of the discontinuance of the use of the tower for wireless communications purposes, consistent with the Zoning Ordinance.

Virginia Department of Transportation (VDOT)

The Warrenton Residency staff reviewed the above referenced special exception dated April 28, 2009. Before a site plan can be approved for this project, the applicant shall demonstrate that their entrance meets the current sight distance requirements or they will need to obtain a sight distance waiver.

The applicant is aware of this requirement and will be working with VDOT to meet the necessary sight distance requirements on the Major Site Plan.